

8/29/24, 11:18 AM

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REGISTER OF ACTIONS**CASE No. 24CV36248**

**Madeline Kay, Alex Alaniz, Matthew Ensign vs Plaid Pantry, Inc., Plaid
Panttries, Inc.**

§
§
§
§
§Case Type: **Tort - General**Date Filed: **07/31/2024**Location: **Multnomah****PARTY INFORMATION**

		Attorneys
Defendant	Plaid Panttries, Inc.	
Defendant	Plaid Pantry, Inc.	
Plaintiff	Alaniz, Alex	MICHAEL FULLER <i>Retained</i> 503 222-2000(W)
		Daniel H Oliner <i>Retained</i> 503 836-7175(W)
		Emily C Templeton <i>Retained</i> 971 352-2503(W)
		KELLY DONOVAN JONES <i>Retained</i> 503 847-4329(W)
		Nathan A Haberman-Ducey <i>Retained</i> 971 430-0211(W)
		PAUL BRUCE BARTON <i>Retained</i> 503 558-5293(W)
Plaintiff	Ensign, Matthew	MICHAEL FULLER <i>Retained</i> 503 222-2000(W)
		Daniel H Oliner <i>Retained</i> 503 836-7175(W)
		Emily C Templeton <i>Retained</i> 971 352-2503(W)
		KELLY DONOVAN JONES <i>Retained</i> 503 847-4329(W)
		Nathan A Haberman-Ducey <i>Retained</i> 971 430-0211(W)
		PAUL BRUCE BARTON <i>Retained</i>

8/29/24, 11:18 AM

publicaccess.courts.oregon.gov/PublicAccessLogin/CaseDetail.aspx?CaseID=34579468

503 558-5293(W)

Plaintiff Kay, Madeline

MICHAEL FULLER

Retained
503 222-2000(W)Daniel H Oliner
Retained
503 836-7175(W)Emily C Templeton
Retained
971 352-2503(W)KELLY DONOVAN JONES
Retained
503 847-4329(W)Nathan A Haberman-Ducey
Retained
971 430-0211(W)PAUL BRUCE BARTON
Retained
503 558-5293(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
07/31/2024	Complaint		
	Equitable Relief - NOT SUBJECT TO MANDATORY ARBITRATION		
	Created: 07/31/2024 11:42 AM		
07/31/2024	Service		
	Plaid Pantry, Inc.	Served	07/31/2024
		Returned	08/01/2024
	Plaid Pantries, Inc.	Served	07/31/2024
		Returned	08/01/2024
	Created: 07/31/2024 11:42 AM		
07/31/2024	Summons		
	Created: 08/01/2024 8:44 AM		
07/31/2024	Summons		
	Created: 08/01/2024 8:44 AM		
07/31/2024	Request - Admission		
	to Plaid Pantry Inc.		
	Created: 08/05/2024 8:25 AM		
08/01/2024	Proof - Service		
	Created: 08/02/2024 2:28 PM		
08/01/2024	Proof - Service		
	Created: 08/02/2024 2:28 PM		
08/08/2024	Notice - Representation		
	Created: 08/08/2024 10:55 AM		

FINANCIAL INFORMATION

	Plaintiff Kay, Madeline		
	Total Financial Assessment		
	Total Payments and Credits		
	Balance Due as of 08/29/2024		
			281.00
			281.00
			0.00
07/31/2024	Transaction Assessment		281.00
07/31/2024	xWeb Accessed eFile	Receipt # 2024-495844	Kay, Madeline
			(281.00)

7/31/2024 11:31 AM
24CV36248

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY

MADELINE KAY
ALEX ALANIZ
MATTHEW ENSIGN
individually and on behalf of
other similarly situated customers

Plaintiffs

vs

PLAID PANTRY, INC.
PLAID PANTRIES, INC.

Defendants

Case No.

**CLASS ACTION COMPLAINT
FOR EQUITABLE RELIEF**

ORS 807.750—*Restrictions on Swiping
Driver Licenses or Identification Cards*

Not Subject to Mandatory Arbitration
Filing Fee Authority: ORS 21.135

Jury Trial Requested

1.

INTRODUCTION

“Privacy” means the right of individuals to be left alone. “Data privacy” means the right of individuals to have their personal information left alone by corporations. The State of Oregon recognizes the importance of protecting the privacy of personal information contained in driver licenses and identification cards. Easy access to the information found on ID’s facilitates the crime of identity theft, which is a major concern in Oregon. *See* ORS 807.745—*Findings Regarding Personal Information Contained in Driver Licenses, Driver Permits and Identification Cards*.

CLASS ACTION COMPLAINT – Page 1 of 8

2.

One of Oregon’s important data privacy laws, ORS 807.750, only allows a corporation to swipe a customer’s ID for certain specific limited purposes. As alleged in this complaint, Plaid Pantry violates Oregon’s data privacy law at its 100+ locations throughout Oregon by *always* swiping the ID of *every* single customer who purchases an age-restricted item, and not for any of the certain specific limited purposes allowed under the law.

3.

FACTUAL ALLEGATIONS

This Court has jurisdiction because the swiping of driver licenses and identification cards in violation of ORS 807.750 as alleged in this complaint occurred in Oregon. Plaintiffs are citizens of Oregon and “individuals” as that term is used in ORS 807.750. Defendants are citizens of Oregon and “private entities” as that term is defined at ORS 807.750(1)(e). Defendants conduct regular and sustained business in Multnomah County, Oregon.

4.

Plaintiff Madeline Kay is a regular customer at defendants’ convenience stores, including the Plaid Pantry at 2429 SE 26th Avenue near her home. On every single occasion she has visited defendants’ convenience stores in the past two years, including as recently as July 26, 2024 at the 2429 SE 26th Avenue store location, defendants “swiped” her driver license as that term is defined at ORS 807.750(1)(f) during the purchase of an age-restricted good.

1
2 **5.**

3 Plaintiff Alex Alaniz is a regular customer at defendants' convenience stores,
4 including the Plaid Pantry at 6010 NE Halsey Street near his local bar. On every
5 single occasion he has visited defendants' convenient stores in the past two years,
6 including on June 16, 2024 at the 6010 NE Halsey Street store location, defendants
7 "swiped" his driver license as that term is defined at ORS 807.750(1)(f) during the
8 purchase of an age-restricted good.
9
10

11 **6.**

12 Plaintiff Matthew Ensign is a regular customer at defendants' convenience
13 stores, including the Plaid Pantry at 6480 SE Foster Road near his work and the
14 Plaid Pantry 2429 SE 26th Avenue near his home. On every single occasion he has
15 visited defendants' convenient stores in the past two years, including on July 28,
16 2024 at the 2429 SE 26th Avenue store location, defendants "swiped" his driver
17 license as that term is defined at ORS 807.750(1)(f) during the purchase of an age-
18 restricted good.
19
20

21 **7.**

22 As alleged in this complaint, defendants did not swipe plaintiffs' driver
23 licenses for any of the specific permissible purposes listed in ORS 807.750(2)(a)-(e).
24 Instead, defendants swiped plaintiffs' driver licenses according to defendants'
25 common practice and universal policy of always swiping the driver license or
26 identification card of every customer who purchases an age-restricted good,
27 regardless of age, identity, or payment method.
28

1
2 **8.**

3 Defendants' common practice and universal policy of swiping the driver
4 licenses and identification cards of every customer who purchases an age-restricted
5 good, regardless of age, identity, or payment method is further evidenced by the
6 signage displayed at defendants' registers stating: **"We Scan IDs, ALL**
7 **CUSTOMERS: Please Have ID Ready."** See Ososke Declaration; Exhibit 1.
8

9
10 **9.**

11 Plaintiffs initially propose and seek to represent a class of similarly situated
12 individuals defined as: all individuals who had their personal driver license or
13 identification card and information swiped, stored, shared, sold or otherwise used by
14 defendants during the purchase of an age-restricted good at a Plaid Pantry store in
15 Oregon after July 31, 2022. Excluded from the class are defendants' employees, all
16 persons who make a timely election to be excluded from the class after Court-
17 approved notice is given, businesses, governmental entities, and any Judge to whom
18 this case is assigned. Plaintiffs reserve the right to revise the class definition based
19 upon information learned through discovery and in accordance with the applicable
20 class action rules.
21
22

23 **10.**

24
25 The class includes thousands of individuals and is thus so numerous that
26 joinder of all members would be impracticable. There are common questions of law
27 and fact that predominate over any questions affecting only individual class
28 members, including but not limited to: whether defendants' universally applied

1
2 policy and practice of swiping driver licenses and identification cards, regardless of
3 age, identity, or payment method, violated ORS 807.750, and if so, whether the
4 violation was willful or knowing. Plaintiffs' claims are typical of the other class
5 members' claims because, *inter alia*, plaintiffs' and the class members' statutory
6 rights have been violated by the same unlawful acts and omissions of the defendants
7 and are based on the same legal theories.
8

9
10 **11.**

11 Plaintiffs are adequate class representatives because they will protect the
12 interests of the class and have no interests contrary to or in conflict with the class
13 members, and plaintiffs' counsel are adequate because they have extensive
14 experience litigating class action cases, have been appointed as class counsel by
15 numerous courts, including by multiple Multnomah County Circuit Court Judges
16 and Oregon District Court Judges, and will vigorously pursue fair and just relief and
17 protect the interests of the class members.
18

19
20 **12.**

21 A class action is superior to other available methods for the fair and efficient
22 adjudication of this dispute given the relatively low amount of damages available to
23 individual plaintiffs, because individualized litigation would likely result in
24 inconsistent or contradictory judgments, increase delay and expense to all parties
25 and the Court, because classwide resolution in a single adjudication presents far
26 fewer management difficulties, and because this forum is desirable as defendants do
27 substantial business here, and the class members' transactions occurred here.
28

13.**CLAIM FOR RELIEF**

As alleged in this complaint, defendants' swiping of plaintiffs' and the class members' driver licenses and identification cards according to defendants' common policy and routine practice to always swipe the driver licenses and identification cards of all customers during the purchase of age-restricted goods, regardless of age, identity, or payment method violates ORS 807.750(2), and defendants' storing, selling, or sharing of personal information collected from the swiping of plaintiffs' and the class members' driver licenses and identification cards violates ORS 807.750(3), entitling plaintiffs and the class members to recover actual damages or \$1,000, whichever is greater, equitable relief, and reasonable costs and attorney fees, under ORS 807.850(8).

14.

After trial, if the Court finds that defendants' violation was willful or knowing, the Court should increase the amount of the award to no more than three times the amount otherwise available under ORS 807.850(8).

15.

Accordingly, under ORS 807.750(8), plaintiffs and the class members are entitled to and so request equitable relief in the form of an injunction permanently enjoining defendants from swiping the driver license or identification card of every customer who purchases an age-restricted good, regardless of age, identity, or payment method.

16.

Under ORS 807.750(8), plaintiffs and the class members are entitled to and so request an injunction permanently enjoining defendants from storing, selling, or sharing personal information collected from the swiping of plaintiffs' and the class members' driver licenses and identification cards.

17.

Under ORS 807.750(8), plaintiffs and the class members are entitled to and so request an order requiring defendants to preserve any stored information from the driver licenses and identification cards defendants swiped after July 31, 2022, and any stored information from defendants' sales of age-restricted goods after July 31, 2022, and any stored credit card or debit card information from defendants' sales after July 31, 2022; and a judgment for reasonable costs and attorney fees.

18.

This is not a class action claim for damages at this time.

19.

REQUEST FOR JURY TRIAL

Plaintiffs respectfully request a trial by jury.

20.

PRAYER FOR RELIEF

Plaintiffs seek equitable relief against defendants as requested above, and for an order certifying this case as a class action, and for an order appointing interim lead class counsel, and for reasonable costs and attorney fees and expenses, and any other relief this Court may determine is fair. Plaintiffs reserve the right to amend this complaint to adjust the claims and to request damages and to add claims and additional defendants, including claims for punitive damages. Some of the complaint's allegations are based in part on the memory of witnesses, which may later prove to be inaccurate in parts, and so the complaint may later be amended before and during trial to conform the allegations to the evidence obtained throughout the case. This complaint is made on personal knowledge as to plaintiffs' actions and based on information and belief as to the actions of others.

July 31, 2024

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Lead Trial Attorney for Plaintiffs

Underdog Law Office

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-222-2000

CLASS ACTION COMPLAINT – Page 8 of 8

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY

MADELINE KAY
ALEX ALANIZ
MATTHEW ENSIGN
individually and on behalf of
other similarly situated customers

Plaintiffs

vs

PLAID PANTRY, INC.
PLAID PANTRIES, INC.

Defendants

Case No.

**DECLARATION OF
MARK OSOSKE**

DECLARATION

I, Mark Ososke, declare the following under penalty of perjury:

1.

My name is Mark Ososke and I am a licensed private investigator, Oregon
Investigator #33719.

2.

As part of my investigation in this case, on July 30, 2024 I visited six Portland-
area Plaid Pantry convenient stores to purchase alcoholic beverages. I paid for the
alcoholic beverages in cash. I was born in 1969, I look my age, and there is no doubt
based on looking at me that I am over 21 years old.

DECLARATION – Page 1 of 2

1
2 3.

3 During each purchase, Plaid Pantry swiped my driver license. Plaid Pantry
4 employees told me that swiping the driver license of every customer who purchases
5 a product that requires ID is Plaid Pantry's corporate policy, and that Plaid Pantry
6 stores the dates of birth from the driver licenses it swipes on its servers.
7

8 4.

9 I hereby declare that the above statement is true to the best of my knowledge
10 and belief, and that I understand it is made for use as evidence in court and is subject
11 to penalty for perjury.
12

13
14 Date: 7-31-24
15

16 RESPECTFULLY SUBMITTED,
17

18 
19 Mark Ososke
20
21
22
23
24
25
26
27
28

DECLARATION – Page 2 of 2



Exhibit 1

7/31/2024 12:22 PM
24CV36248

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY

MADELINE KAY
ALEX ALANIZ
MATTHEW ENSIGN
individually and on behalf of
other similarly situated customers

Plaintiffs

vs

PLAID PANTRY, INC.
PLAID PANTRIES, INC.

Defendants

Case No. 24CV36248

SUMMONS

TO: Plaid Pantries, Inc.
c/o registered agent Laura Sadowski
1585 SW Marlow Avenue, Suite 120
Portland, Oregon 97225

SUMMONS – Page 1 of 3

NOTICE TO DEFENDANT:

READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiffs’ attorney or, if the plaintiffs do not have an attorney, proof of service on the plaintiffs.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

July 31, 2024

/s/ Michael Fuller
Michael Fuller, OSB No. 09357
Lead Trial Attorney for Plaintiffs
OlsenDaines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

SUMMONS – Page 2 of 3

7/31/2024 12:22 PM
24CV36248

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY

MADELINE KAY
ALEX ALANIZ
MATTHEW ENSIGN
individually and on behalf of
other similarly situated customers

Plaintiffs

vs

PLAID PANTRY, INC.
PLAID PANTRIES, INC.

Defendants

Case No. 24CV36248

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c/o registered agent Laura Sadowski
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SUMMONS – Page 1 of 3

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July 31, 2024

/s/ Michael Fuller
Michael Fuller, OSB No. 09357
Lead Trial Attorney for Plaintiffs
OlsenDaines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

SUMMONS – Page 2 of 3

1
2 STATE OF OREGON)
3) ss:
4 County of Multnomah)

5 I, the undersigned attorney of record for plaintiffs, certify that the foregoing is an
6 exact and complete copy of the original summons in the above-entitled cause.

7 July 31, 2024
8
9

10 /s/ Michael Fuller
11 **Michael Fuller, OSB No. 09357**
12 Lead Trial Attorney for Plaintiffs
13 Olsen Daines
14 US Bancorp Tower
15 111 SW 5th Ave., Suite 3150
16 Portland, Oregon 97204
17 michael@underdoglawyer.com
18 Direct 503-222-2000

19 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are
20 hereby directed to serve a true copy of this summons, together with a true copy of
21 the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to
22 whom or which this summons is directed, and to make your proof of service upon a
23 document which you shall attach hereto.

24 July 31, 2024
25
26

27 /s/ Michael Fuller
28 **Michael Fuller, OSB No. 09357**
 Lead Trial Attorney for Plaintiffs
 Olsen Daines
 US Bancorp Tower
 111 SW 5th Ave., Suite 3150
 Portland, Oregon 97204
 michael@underdoglawyer.com
 Direct 503-222-2000

SUMMONS – Page 3 of 3

7/31/2024 12:39 PM
24CV36248

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY

MADELINE KAY *et al.*

Plaintiffs

vs

PLAID PANTRY, INC. *et al.*

Defendants

Case No. 24CV36248

**PLAINTIFF MADELINE KAY'S
REQUESTS FOR ADMISSION TO
DEFENDANT PLAID PANTRY, INC.**

Madeline Kay (plaintiff) respectfully ask that Plaid Pantry, Inc. (defendant or Plaid Pantry) admit or deny the following requests. After trial, plaintiff intend to request reimbursement for any unnecessary litigation expenses caused by Plaid Pantry's failure to candidly admit or deny any of the requests below. If Plaid Pantry's responses to any of these requests change at any time throughout this case or at any time during trial, Plaid Pantry must immediately tell plaintiff, and Plaid Pantry must revise the written responses so that they are accurate. The words of common usage in these requests are "understandable without elaboration" in the context in which they are used, and all other words have the meanings prescribed by ORS 807.750 or the most recent version of the Random House Unabridged Dictionary unless otherwise defined. *See State v. Nichols*, 236 Or 521, 535 (1964).

REQUESTS FOR ADMISSION – Page 1 of 2

1
2 **FAILURE TO SERVE A WRITTEN ANSWER OR OBJECTION**
3 **WITHIN THE TIME ALLOWED BY ORCP 45 B WILL RESULT IN**
4 **ADMISSION OF THE FOLLOWING REQUESTS.**
5

6
7 **1.**

8 From July 31, 2022 to July 31, 2024, Paid Pantry had a policy of always
9 swiping the driver license or identification card of every customer who purchased an
10 age-restricted good, regardless of the customer's age, identity, or payment method.
11

12 **Admit or Deny:**

13 **2.**

14 Paid Pantry's policy of always swiping the driver license or identification card
15 of every customer who purchased an age-restricted good violated ORS 807.750(2).
16

17 **Admit or Deny:**

18
19
20 July 31, 2024

21 **RESPECTFULLY FILED,**

22 /s/ Emily Templeton
23 **Emily Templeton, OSB No. 221744**
24 Of Attorneys for Plaintiff
25 Underdog Law Office
26 US Bancorp Tower
27 111 SW 5th Ave., Suite 3150
28 Portland, Oregon 97204
emily@underdoglawyer.com
Direct 971-352-2503

REQUESTS FOR ADMISSION – Page 2 of 2

8/1/2024 12:37 PM
24CV36248

AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 24CV36248

Plaintiff: **MADELINE KAY
ALEX ALANIZ
MATTHEW ENSIGN**
individually and on behalf of
other similarly situated customers
vs.
Defendant: **PLAID PANTRY, INC.
PLAID PANTRIES, INC.**

For:
Michael Fuller
Olsen Daines
111 SW 5th Ave.
Suite 3150
Portland, OR 97204

Received by PI Services LLC to be served on **Plaid Pantry, Inc., 1585 SW Marlow Avenue, Suite 120, Portland, OR 97225.**

I, Mark Ososke, being duly sworn, depose and say that on the **31st day of July, 2024 at 1:55 pm, I:**

Served the within named Corporation, Limited Partnership or Unincorporated Associations Subject to Suit Under a Common Name by delivering a true copy of the **Summons, Complaint, Initial Requests for Production and Inspection, Initial Requests for Admission, Service Documents to Plaid Pantries, Inc.** personally and in person to **Jonathan Polonsky** who is apparently in charge of the office of **Laura Sandowski**, the **Registered Agent** of the within named corporation. I informing the above person that they were Served with Process and of the contents thereof.

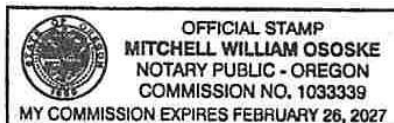
CERTIFICATE OF MAILING


On **8/1/24**, a true copy of the above service documents and an unsigned copy of this proof of Service was mailed to the above named defendant by first class mail to the above address.

I am a competent person over 18 years of age, a resident of this state and authorized to serve process. I am not a party to nor an officer, director, employee, or attorney for any party. I know that the person, firm or corporation served is the identical one named in the action. I hereby declare that the above statement is true to the best of my knowledge and belief. I understand this is made for use as evidence in court and is subject to penalty for perjury.

Subscribed and Sworn to before me by the affiant
who is personally known to me.


NOTARY PUBLIC




Mark Ososke
Investigator & Process Server

Date

PI Services LLC
P.O. Box 157
Beaverton, OR 97075-0157
(503) 643-4274

Our Job Serial Number: OSO-2024001587

1
2
3
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5
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7
8
9 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
10 FOR MULTNOMAH COUNTY
11

12
13 **MADELINE KAY**
14 **ALEX ALANIZ**
15 **MATTHEW ENSIGN**
16 individually and on behalf of
other similarly situated customers

17 Plaintiffs

18 vs

19 **PLAID PANTRY, INC.**
20 **PLAID PANTRIES, INC.**

21 Defendants
22

Case No. 24CV36248

SUMMONS

23
24 **TO: Plaid Pantry, Inc.**
25 **c/o registered agent Laura Sadowski**
26 **1585 SW Marlow Avenue, Suite 120**
27 **Portland, Oregon 97225**
28

SUMMONS – Page 1 of 3

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July 31, 2024

/s/ Michael Fuller
Michael Fuller, OSB No. 09357
Lead Trial Attorney for Plaintiffs
OlsenDaines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

SUMMONS – Page 2 of 3

1
2 STATE OF OREGON)
3) ss:
4 County of Multnomah)

5 I, the undersigned attorney of record for plaintiffs, certify that the foregoing is an
6 exact and complete copy of the original summons in the above-entitled cause.

7 July 31, 2024
8
9

10 /s/ Michael Fuller
11 **Michael Fuller, OSB No. 09357**
12 Lead Trial Attorney for Plaintiffs
13 Olsen Daines
14 US Bancorp Tower
15 111 SW 5th Ave., Suite 3150
16 Portland, Oregon 97204
17 michael@underdoglawyer.com
18 Direct 503-222-2000

19 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are
20 hereby directed to serve a true copy of this summons, together with a true copy of
21 the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to
22 whom or which this summons is directed, and to make your proof of service upon a
23 document which you shall attach hereto.

24 July 31, 2024
25
26

27 /s/ Michael Fuller
28 **Michael Fuller, OSB No. 09357**
Lead Trial Attorney for Plaintiffs
Olsen Daines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

SUMMONS – Page 3 of 3

8/1/2024 12:37 PM
24CV36248

AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 24CV36248

Plaintiff: **MADELINE KAY
ALEX ALANIZ
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individually and on behalf of
other similarly situated customers
vs.
Defendant: **PLAID PANTRY, INC.
PLAID PANTRIES, INC.**

For:
Michael Fuller
Olsen Daines
111 SW 5th Ave.
Suite 3150
Portland, OR 97204

Received by PI Services LLC to be served on Plaid Pantries, Inc., 1585 SW Marlow Avenue, Suite 120,
Portland, OR 97225.

I, Mark Ososke, being duly sworn, depose and say that on the **31st day of July, 2024** at **1:55 pm**, I:

Served the within named Corporation, Limited Partnership or Unincorporated Associations Subject to Suit Under a Common Name by delivering a true copy of the **Summons, Complaint, Initial Requests for Production and Inspection, Initial Requests for Admission, Service Documents to Plaid Pantries, Inc.** personally and in person to **Jonathan Polonsky** who is apparently in charge of the office of **Laura Sadowski**, the **Registered Agent** of the within named corporation. I informing the above person that they were Served with Process and of the contents thereof.

CERTIFICATE OF MAILING

On **8/1/24**, a true copy of the above service documents and an unsigned copy of this proof of Service was mailed to the above named defendant by first class mail to the above address.

I am a competent person over 18 years of age, a resident of this state and authorized to serve process. I am not a party to nor an officer, director, employee, or attorney for any party. I know that the person, firm or corporation served is the identical one named in the action. I hereby declare that the above statement is true to the best of my knowledge and belief. I understand this is made for use as evidence in court and is subject to penalty for perjury.

Subscribed and Sworn to before me by the affiant
who is personally known to me.


NOTARY PUBLIC




Mark Ososke
Investigator & Process Server

Date

PI Services LLC
P.O. Box 157
Beaverton, OR 97075-0157
(503) 643-4274

Our Job Serial Number: OSO-2024001588

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9 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
10 FOR MULTNOMAH COUNTY
11

12
13 **MADELINE KAY**
14 **ALEX ALANIZ**
15 **MATTHEW ENSIGN**
16 individually and on behalf of
other similarly situated customers

17 Plaintiffs

18 vs

19 **PLAID PANTRY, INC.**
20 **PLAID PANTRIES, INC.**

21 Defendants
22

Case No. 24CV36248

SUMMONS

23
24 **TO: Plaid Pantries, Inc.**
25 **c/o registered agent Laura Sadowski**
26 **1585 SW Marlow Avenue, Suite 120**
27 **Portland, Oregon 97225**
28

SUMMONS – Page 1 of 3

NOTICE TO DEFENDANT:

READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiffs’ attorney or, if the plaintiffs do not have an attorney, proof of service on the plaintiffs.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

July 31, 2024

/s/ Michael Fuller
Michael Fuller, OSB No. 09357
Lead Trial Attorney for Plaintiffs
OlsenDaines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

SUMMONS – Page 2 of 3

1
2 STATE OF OREGON)
3) ss:
4 County of Multnomah)

5 I, the undersigned attorney of record for plaintiffs, certify that the foregoing is an
6 exact and complete copy of the original summons in the above-entitled cause.

7 July 31, 2024
8
9

10 /s/ Michael Fuller
11 **Michael Fuller, OSB No. 09357**
12 Lead Trial Attorney for Plaintiffs
13 Olsen Daines
14 US Bancorp Tower
15 111 SW 5th Ave., Suite 3150
16 Portland, Oregon 97204
17 michael@underdoglawyer.com
18 Direct 503-222-2000

19 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are
20 hereby directed to serve a true copy of this summons, together with a true copy of
21 the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to
22 whom or which this summons is directed, and to make your proof of service upon a
23 document which you shall attach hereto.

24 July 31, 2024
25
26

27 /s/ Michael Fuller
28 **Michael Fuller, OSB No. 09357**
Lead Trial Attorney for Plaintiffs
Olsen Daines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-222-2000

SUMMONS – Page 3 of 3

8/8/2024 9:59 AM
24CV36248

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MADELINE KAY
ALEX ALANIZ
MATTHEW ENSIGN
individually and on behalf of other similarly
situated customers,

Plaintiffs,

v.

PLAID PANTRY, INC.
PLAID PANTRIES, INC.,

Defendants.

Case No.: 24CV36248

NOTICE OF APPEARANCE

Filing Fee: \$281 (Previously Paid)
Fee Authority: ORS 21.135

PLEASE TAKE NOTICE that Paul B. Barton and Daniel Oliner of the law firm Olsen
Barton LLC enter their appearance as co-counsel in the above-captioned action on behalf of
Plaintiffs Madeline Kay, Alex Alaniz, and Matthew Ensign, individual and on behalf of other
similarly situated customers.

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Page 1 – NOTICE OF APPEARANCE

Olsen Barton LLC
4035 Douglas Way, Suite 200
Lake Oswego, OR 97035
Tel: 503-468-5573 | Fax: 503-820-2933

4864-2866-4790, v. 5

1 Dated this 8th day of August, 2024. OLSEN BARTON LLC

2
3 s/ Paul B. Barton

4 Paul B. Barton, OSB No. 100502

5 paul@olsenbarton.com

6 Daniel H. Oliner, OSB No. 232105

7 dan@olsenbarton.com

8 4035 Douglas Way, Suite 200

9 Lake Oswego, OR 97035

10 paul@olsenbarton.com

11 Tel: (503) 468-5573 | Fax: (503) 820-2933

12 Michael Fuller

13 michael@underdoglawyer.com

14 Underdog Law Office

15 US Bancorp Tower

16 111 SW 5th Avenue, Suite 3150

17 Portland, Oregon 97204

18 Tel: (503) 222-2000

19 Emily C. Templeton

20 emily@underdoglawyer.com

21 Nathan A. Haberman-Ducey

22 nate@underdoglawyer.com

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24 US Bancorp Tower

25 111 SW 5th Avenue, Suite 3150

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Tel: (503) 222-2000

Kelly D. Jones

kellydonovanjones@gmail.com

Law Office of Kelly D. Jones

819 SE Morrison Street, Suite 255

Portland, Oregon 97214

Tel: (503) 847-4329; Fax: (503) 715-0524

*Attorneys for Plaintiffs Madeline Kay, Alex Alaniz,
and Matthew Ensign, individually and all other
situated customers*

Page 2 – NOTICE OF APPEARANCE

Olsen Barton LLC

4035 Douglas Way, Suite 200

Lake Oswego, OR 97035

Tel: 503-468-5573 | Fax: 503-820-2933

4864-2866-4790, v. 5

ATTORNEY CERTIFICATE OF SERVICE

I hereby certify that I accomplished service of a true and correct copy of **NOTICE OF APPEARANCE** on the party below on the date and in the manner indicated:

Plaid Pantry, Inc.
1585 SW Marlow Avenue, Suite 120
Portland, Oregon 97225

- ☐ Electronic Service to the email address
recorded on the date of service in the
Court's OJD eFiling system (eServe only)
☒ Certified Mail, Return Receipt Requested
☐ First-Class U.S. Mail, Postage Prepaid
☐ Hand-Delivery
☐ Fax Service to
☐ Courtesy Email to

Plaid Pantries, Inc.
1585 SW Marlow Avenue, Suite 120
Portland, Oregon 97225

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recorded on the date of service in the
Court's OJD eFiling system (eServe only)
☒ Certified Mail, Return Receipt Requested
☐ First-Class U.S. Mail, Postage Prepaid
☐ Hand-Delivery
☐ Fax Service to
☐ Courtesy Email to

DATED: August 8, 2024

OLSEN BARTON LLC

s/ Paul B. Barton

Paul B. Barton, OSB No. 100502
paul@olsenbarton.com
Daniel H. Oliner, OSB No. 232105
dan@olsenbarton.com
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Lake Oswego, OR 97035
Tel: (503) 468-5573 | Fax: (503) 820-2933
*Attorneys for Plaintiffs Madeline Kay, Alex Alaniz, and
Matthew Ensign, individually and all other situated
customers*

Page 1 – ATTORNEY CERTIFICATE OF SERVICE

Olsen Barton LLC
4035 Douglas Way, Suite 200
Lake Oswego, OR 97035
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4864-2866-4790, v. 5